AF/3742





EXPEDITED PROCEDURE AFTER FINAL REJECTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS

Bassem M. Demian

RECEIVED

SERIAL NO.

09/716567

APR 2 3 2004

FILED

November 20, 2000

TECHNOLOGY CENTER R3700

FOR

Bunion Treating Device

EXAMINER

Shawntina T. Fugua ART UNIT: 3742

ATTORNEY DOCKET:

176746-2

CUSTOMER NO. 27162

DISCLOSURE STATEMENT UNDER 37 CFR 1.56

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

This paper is submitted in compliance with 37 CFR 1.56 and is submitted after the mailing of a Final Office Action.

Applicants hereby make of record commonly owned US application Serial No.09/880,633 ('633 application) filed June 13, 2001, which is a CIP of the aboveentitled application. In that CIP application, claims similar to, but which differ from the present claims, are rejected over prior art Kenney US Pat. No. 6,456,884 and Ddiamantopoulos et al. US Pat. No. 4,930,504. Others of the claims are deemed allowable. Other references were cited of interest. All of these references are noted in the attached Notice of References Cited PTO 892 of record in that CIP application. Enclosed also is a form PTO 1449 and a copy of the cited references.

The '663 application is pending.

It is respectfully requested that the cited references in the enclosed materials be made of record in the instant above-entitled application.

Entry of this paper is respectfully requested.

The Commissioner is authorized to respectfully charge any fee due for this paper and to credit or charge any under or over payments for this paper to deposit account 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

William Squire

#217120

4/16/2004

Date

Respectfully submitted,

Bassem M. Demian

William Squire Reg. No. 25,378
Attorney for Applicants

Phone: 973-994-700 Fax: 973-994-744

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2	0 2004	N 3			Fadi H. Dahbour 3743		3743	Page 1 of 1	
		N. C.		U.S. P	ATENT DOCUM	ENTS			
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	Α	US-4,930,504	06-1990	Diamantopoulos et al.				607/88	
	В	US-6,456,884 b1	09-2002	Kenney	Kenney, John P.			607/48	
	С	US-5,922,012	07-1999	Sakano, Kazuhito			607/46		
	D	US-5,674,267	10-1997	Mir et al.			607/72		
	E	US-5,578,065	11-1996	Hattori et al.				607/46	
	F	US-5,281,219	01-1994	Kallok,	Michael J.	607/72			
	G	US-4,026,301	05-1977	Friedma	an et al.	607/72			
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Atty. Docket: Serial No.: Form PTO-1449 176746-1 09/716567 HNFORMATIO DISCLOSURE STATEMENT APR 2 0 20C4 Bassem M. Demian Applicant: Filing Date: Nov. 20, 2000 Group: 3742 U.S. PATENT DOCUMENTS Examiner **Document** Sub-Filing Initial Number Date Name Class Class Date **A1** 3,650,276 Mar. 21, 1972 Burghele et al. 128 419 Mar. 25, 1969 **B1** 4,026,301 May 31, 1977 Friedman et al. 128 418 Apr. 21, 1975 C1 4,930,504 Diamantopoulos et 128 395 Nov. 13, 1987 June 5, 1990 D1 5,281,219 Jan. 25, 1994 Kallok 607 42 Aug. 24, 1992 **E1** 5,578,065 Nov. 26, 1996 Hattori et al. 607 46 Dec. 6, 1991 F1 5,674,267 Oct. 7, 1997 Mir et al. 607 72 Mar. 30 1993 G1 5,992,012 July 13, 1999 Sakano 607 46 Aug. 4, 1995 Mar. 20, 2000 H1 6,456,884 Sept. 24, 2002 Kenney 607 145 11 J1 K1 L1 М1 **FOREIGN PATENT DOCUMENTS** Examiner Document Sub-Number Class Initial Date Country Class **Translation** N1 Yes No 01 Yes No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) P1 Q1 R1 APR 2 3 2004 S1 TECHNOLOGY CENTER R3700 T1 Examiner: Date Considered: **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.